

# In the Court of Appeals of the State of Alaska

**David Christopher Nordlund,**  
Appellant,

v.

**State of Alaska,**  
Appellee.

Court of Appeals No. **A-13607**

## **Order**

Date of Order: **7/18/22**

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Trial Court Case No. **3AN-19-04232CR**

The Office of Criminal Appeals recently requested an extension of time to file the State's brief under Standing Order No. 12. The Appellant, David Christopher Nordlund, has filed an opposition to the State's motion. The State has also filed a motion for leave to file a reply to Nordlund's opposition, along with the proposed reply. The motion for leave to file a reply to Nordlund's opposition is **GRANTED**.

The State has requested a 180-day extension under Standing Order No. 12. Mr. Nordlund opposes the State's motion on the ground that it does not comply with the requirements under Appellate Rule 503.5(b)(1). But because the State's motion falls within the time limits established in this Court's Standing Order No. 12, Appellate Rule 503.5 does not apply to the State's request.

Standing Order No. 12 was created to address and ameliorate the significant backlog in criminal appellate briefing that exists in this Court. There are maximum extension limits under Standing Order No. 12 that may not be exceeded absent a showing of extraordinary circumstances. Over time, these limits are being reduced with the goal of eventually eliminating the briefing backlog and the need for Standing Order No. 12.

This Court recognizes the serious problems associated with appellate delay, and this Court, too, would like to have this appeal proceed more quickly. But unfortunately, this case is not unique. The underlying problem is that there are too many criminal appeals compared to the number of competent appellate lawyers available to brief those appeals. While it may be tempting to order the State to speed up its briefing in this case, this would create a cascading delay of the briefing in all the other criminal appeals currently being handled by that office.

In the current case, Mr. Nordlund was initially represented by the Alaska Public Defender Agency. The Agency requested and received their full extension under Standing Order No. 12 before discovering their positional conflict. Following litigation of the positional conflict, Nathan Charles was appointed to represent Mr. Nordlund under Administrative Rule 12(e). Mr. Charles subsequently requested additional time to complete Mr. Nordlund's opening brief. We granted this additional extension request — which was above the maximum limit set under Standing Order No. 12 — because we concluded that the discovery of the positional conflict and the litigation surrounding that conflict constituted “extraordinary circumstances” justifying the additional extension.

Here, the State has requested an extension that falls under the 200-day maximum limit that currently applies to the State under Standing Order No. 12. The State has also complied with the procedural requirements under Standing Order No. 12. Accordingly, the State's requested extension of time to file its brief is **GRANTED**. The Appellee's brief is now due on or before **1/9/23**.

Entered at the direction of Chief Judge Allard.

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Clerk of the Appellate Courts



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